

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVONTAE QUINTEZ WHITE,

Defendant.

Case No. 1:19-cr-52

Hon. Paul L. Maloney
United States District Judge

**DEFENDANT'S MOTION AND BRIEF IN SUPPORT
FOR ENDS-OF-JUSTICE CONTINUANCE**

The defendant, Javontae Quintez White, by his attorney, James Stevenson Fisher, Assistant Federal Public Defender, hereby moves this Honorable Court for at least a 120-day ends-of-justice continuance of the final pretrial conference and jury trial dates. The defendant requests this continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Criminal Rule 23.2 of the Local Rules of Practice and Procedure for the United States District Court for the Western District of Michigan. The Assistant United States Attorney in this matter, Daniel McGraw, does not oppose this request for an extension of time. This is the first request for an extension of time.

BRIEF IN SUPPORT

Mr. White was charged by way of Indictment on March 5, 2019, with distribution of fentanyl resulting in death, distribution of fentanyl, and possession with intent to

distribute fentanyl and cocaine. On March 6, 2019, Mr. White made his first appearance, where he requested court-appointed counsel. Mr. White was remanded to the custody of the United States Marshals. On March 11, 2019, Mr. White returned to court with undersigned counsel for his arraignment and initial pretrial conference hearings. He waived his detention hearing at that time and was detained pending trial in this matter.

The final pretrial conference is currently scheduled for April 15, 2019, and the jury trial is currently scheduled for April 26, 2019. Counsel is now requesting at least a 120-day ends-of-justice continuance of those dates for the reasons stated below.

Counsel has been reviewing this matter and the discovery provided by the government, as well as conducting independent background investigation. The discovery provided in this case is voluminous. The discovery consists of many audio/video files including interviews, police officer body cameras, and surveillance footage; police reports from various agencies; phone extraction reports from multiple phones; Facebook records; medical records; and photographs. Mr. White is potentially looking at a substantial sentence. Counsel believes additional time is necessary to further investigate this case and the discovery provided. Counsel has been communicating with Mr. White, and anticipates several additional meetings will be necessary in attempt to resolve this matter with a negotiated resolution, or in the alternative, prepare for trial. Counsel intends to hire an expert in this matter and needs additional time for that purpose. Further, no prejudice to the government would result from this extension of time.

The authority to exclude time from the running of the 70-day period within which a defendant must be brought to trial granted to courts by 18 U.S.C. § 3161(h)(7)(A) offers “wide latitude to the judges. It allows the courts to respond to the needs of individual cases.” *United States v. White*, 985 F.2d 271, 275 (6th Cir. 1993).

Mr. White submits that a continuance is necessary and that the ends of justice would be served if a continuance was granted. Finally, Mr. White states that a continuance is both reasonable and for good cause. Mr. White understands that he has a right to a speedy trial pursuant to 18 U.S.C. § 3161, and he is aware of the filing of this matter. He has signed a Consent for Adjournment, which will be filed separately.

WHEREFORE, Mr. White respectfully requests that this Honorable Court grant this request for at least a 120-day ends-of-justice continuance of the final pretrial conference and jury trial dates.

Respectfully submitted,

SHARON A. TUREK
Federal Public Defender

/s/ James Stevenson Fisher
JAMES STEVENSON FISHER
Assistant Federal Public Defender
50 Louis NW, Suite 300
Grand Rapids, Michigan 49503
(616) 742-7420

Dated: April 1, 2019